

## THE INDEPENDENT

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HELENA, MONT., NOV. 9, 1889.

## THE FORTY-FIRST STATE.

Although statehood has not finally come to us under all the happy conditions that our people had anticipated, Montanians can still feel a pride that their state takes so high a rank in the great sisterhood as she steps across the threshold into the place assigned to her. Physically she ranks third among the states of the Union. Only Texas and California surpass her in area. She is greater in extent than New England and New York combined; she has thirty-six million acres of land fitted for cultivation; she has thirty-five thousand square miles of timber lands; her total wealth is one hundred and fifty millions of dollars; her population is 200,000. She has not one dollar of indebtedness and nearly ninety thousand dollars in her treasury.

One contemplating the as yet almost untouched agricultural and mineral resources of this mighty commonwealth and knowing their possibilities is lost in amazement as he speculates upon our future. Montana is surely destined to be an empire within itself.

The transition to statehood will be marked by few changes that our people will notice in their every day life, yet the change is a momentous one when we pause to consider that for all time, for good or ill, the responsibility of self-government rests upon us, that the future with all its great promise is ours to make or mar.

The foundations of our state have been laid broad and deep, the frame-work is the best that human experience could design, and who shall doubt that the superstructure will rise fair and strong and endure for all coming time?

Let us go forward with abiding faith in our high destiny.

## GOVERNOR TOOLE.

It is a matter for congratulation that the governorship at least is settled beyond dispute by the installation of Joseph K. Toole in the office to which he was elected. It is a fortunate thing for the new commonwealth that at this critical time it has for a chief magistrate a man in whom the people at large have absolute confidence; a man of long experience in public office, one possessed of a character above reproach or suspicion, conservative, yet firm and unswerving, fair-minded and judicial in temperament, yet resolute and unwavering in the maintenance of law and right.

We could have wished for Gov. Toole a more peaceful and auspicious beginning for his administration, but the very difficulties that confront him will call into play all the qualities we know him to possess and will give him, we feel sure, a higher place in the confidence and esteem of his fellow citizens. He can rest assured that in whatever steps he takes in the discharge of the duties devolving upon him, he will have the hearty support and co-operation of our whole people. Let us be thankful that a firm and true hand is at the helm.

The Journal will find its case accurately diagnosed in Volume V of the American Cyclopaedia, page 785 in the following terms: "An essential character is cerebral debility. The patient is nervous, uneasy and restless; he is startled by any sudden noise, as the opening of a door or the entrance of a visitor; if he dozes for a moment he is awakened by frightful dreams; he imagines himself surrounded by frightful and loathsome animals; he is pursued by some one who has a design upon his life; he is rarely dangerous; his predominant emotion is fear. In severe cases opium is mainly relied upon; the inhalation of chloroform has sometimes been effectually employed. Dr. Daw in the British Medical Journal recommends hydrocyanic acid."

We sincerely hope some of these remedies may be successfully tried. It is sad to see so much intellect wrecked in a vain effort to steal a state.

The scheme of the conspirators is thus outlined by a member of the state stealers gang, as quoted by the Butte Miner: "We'll beat them yet. How? Well, you see when the legislature convenes at Helena this winter, it will be called together by the state auditor. He is a republican. He will call the roll of members and in doing so will conveniently recognize a sufficient number of republicans to secure the organization. This point once gained there will be a slim chance for the democrats. If the latter organize separately and elect two senators, the United States senate being republican, will admit the candidates of their faith and leave the democratic contestants to cool their heels and nurse

forlorn hopes in the corridors of adversity." The only trouble about this precious scheme is that it won't work. There will be a democratic majority to start with.

Republicans can govern themselves accordingly, for they know what to expect. They have a political foe that confesses its contempt of court and that snags its finger at the administration of the law.—R. B. Harrison's Organ.

For Republicans in the above paragraph read Democrats. The republicans have at no time dared to appeal to the law. They had to be dragged into court to answer for a violation of law in Silver Bow county and, after their state board of canvassers had received an official copy of the order of court directing the county canvassers to obey the law, these same state canvassers deliberately agreed to carry out the fraud in contempt of the court and in defiance of the law. That's the record.

The consolidated water companies yesterday notified Chairman Leeb of the city council's water committee that they would accept nothing less than a ten years contract. The city should take the refusal of the companies as finally disposing of the matter. It will be a good question to have a vote upon at the spring election and give the people the chance to say just what they want. The offer of a five years contract to the companies was fair and equitable and was all the concession that our tax-paying citizens would warrant the council in making.

The state stealers will continue to be in a panic when they are reminded that the new constitution provides that, "No crime or criminal offense committed against the laws of the territory shall abate, or be in any wise affected, by reason of the change from a territory to a state form of government."

If State Canvasser Blake has any sense of shame left he will blush when he reads of the disgraceful and unseemly wrangle in which his partisan conduct has involved the judiciary of the Silver Bow district.

## THE TILDEN WILL.

How the City of New York and Other Places Lose Libraries.

New York, Nov. 8.—The reversal by the supreme court of the decision of Justice Lawrence, in which the latter upheld the trust clause in the will of the late S. J. Tilden, has created considerable comment today. The will, in the thirty-fifth clause, provides for the establishment of a library in this city and other places, but according to the supreme court's ruling this bequest, by reason of legal technicalities, is void. Mr. Tilden, in the disputed clause, directed the formation of a corporation to be known as the "Tilden Trust," and gave his residuary estate for that purpose. Should the trust not be incorporated during the lifetime of two of his executors, who he named, the residue was, by the executors, to be applied to such educational and charitable purposes as in their judgment would render the widest and most substantial benefit to the interests of the undertaking. George H. Tilden, a nephew, attacked the validity of this section, and the supreme court sustains the contest on the point of indefiniteness of the provisions. "It is plain," says the decision, that the discretion which is vested in these trustees cannot be controlled and cannot be exercised by another person or court, and thus no duty has been imposed upon them, the performance of which can be upheld in a court of equity, and this is a test of the validity of such power in the trust. The court says it was a great misfortune for the testator to found a trust of the character mapped out by his will, and that it should be frustrated, and that the city of New York should not receive the advantages thereof, but that should not cause the court to violate the rules and statutes which have been adopted as best subserving the interests of the people of the state."

Cardinal Gibbons' New Book.  
BALTIMORE, Nov. 8.—Cardinal Gibbons' latest work "Our Christian Heritage," was issued today. In it is found, among other things, an argument to show that there is no conflict between science and religion. There is a chapter on "Labor." The book closes with an article on "The Dangers that Threaten our American Civilization." These briefly summarized are Mormonism and divorce, an uneducated and vicious system of education which undermines the religion of our youth, the description of the Christian Sabbath, gross and systematic election frauds.

## The News From Iowa.

WASHINGTON, Nov. 8.—First Assistant Postmaster General Clarkson received the following this afternoon from the editor of the State Register at Des Moines: "Boies is elected governor by 5,000. It is certain that Given, republican candidate for supreme judge, is elected, and as nearly certain as can be decided without the official count, that all of the republican state ticket, except Boies, is elected. The legislature has six republican majority certain, and perhaps eight, assuring Allison's reelection."

H. H. Ham, editor of the Herald, this afternoon received the following despatch from Ex-President Cleveland: "The people of Iowa are especially to be congratulated on their victory over prejudice and superstition. The democracy of the state deserve the greatest honor." Full returns from every county in the state as received by the Herald give Boies a total majority of 7,122.

## Want the Vote Recounted.

BOSTON, Nov. 8.—The Globe says petitions are in circulation and will be presented to the city clerk to-morrow for an entire recount of the vote of the city of Boston for governor and state officers.

## Held For Trial.

SPOKANE FALLS, Nov. 8.—[Special].—T. R. Elledge, the slayer of Dago Frank, was taken before Justice Curry for a preliminary hearing. Elledge waived an examination and was bound over in \$500 to the grand jury. He at once furnished a cash bond and was discharged from custody.

## The Government Defeated.

HALIFAX, Nov. 8.—Reports from New foundland say the government was badly defeated in the election yesterday by the opposition, led by Sir William Whiteway. The colonial secretary and surveyor general lost their seats.

## SILVER BOW'S SHAME.

J. J. McHatton's Just Claim to Succeed Judge DeWolfe Contested by L. J. Hamilton.

The Former Has the County Clerk's Certificate and the Latter the Returning Board's.

Judge DeWolfe Refuses to Decide Between the Two, and Finally Both Documents are Withdrawn.

BUTTE, M. T. Nov. 8.—[Special].—An exciting scene was witnessed to-day in the district court room. Two peremptory writs of mandamus were issued by the district court yesterday. One called for the counting of the votes of precinct 34 in reference to J. J. McHatton, candidate for district judge, and the other for A. M. Day, A. M. Dessault, J. F. Courtenay, J. W. Gilligan and Joseph Hogan. Accordingly a motion to issue another writ, ordering the canvassing board to count the vote in reference to the remaining candidates, was made by Judge McConnell, and was to be argued at 1 o'clock, to which hour the court had adjourned. At 11 o'clock the announcement came that Montana had been admitted.

Judge DeWolfe called court to order promptly at 1 o'clock. J. J. McHatton at once arose and stated that he desired to present his credentials as district judge. L. J. Hamilton, the republican candidate for the same office, at once jumped to his feet and filed a certificate from the state canvassing board to the effect that he had been elected.

To say that Judge DeWolfe was surprised would be putting it too mildly. He was astonished, and after taking a look at the certificates stated that he was of the opinion that his jurisdiction as a court ended right there. Of course he did not think that he could sit as a judge on the question as to which one of the gentlemen was entitled to succeed him, but it was evident to his mind that one of the gentlemen had been elected, and both had certainly qualified. The law merely provided that his office ceased upon the election and qualification of his successor and the certificates having been presented, he conceived that there was but one course to pursue, which was to vacate the bench.

Judge McConnell was upon his feet at once and said that he hoped that the court would not take that action; that would cause the proceedings to degenerate into a mere scramble for office; that it was a most painful and creditable proceedings. He had seen it enacted once in Tennessee, where all was wild and woolly. He had seen two candidates wrangle on the bench and find each other for contempt of court. In the interest of peace, he said he was willing to let all election matters remain just as they were, and not insist on the mandamus motion until the matter of the succession of the court had been determined. He therefore would withdraw the motion in the proceedings instituted last night rather than precipitate proceedings not fitting a court of justice.

Judge Knowles then took the floor and said that in his opinion, and according to law, the moment the gentleman qualified that moment the jurisdiction of Judge DeWolfe ceased. As to the present position of affairs the state canvassing board was the legally constituted body to issue election certificates to judges; and had taken that action in reference to one of the disputants then present. He considered that it was the plain duty of the court to recognize that certificate and vacate the bench at once to the holder of that certificate.

Judge DeWolfe said he fully concurred in the view that his authority had terminated with the filing of the certificate. He could not, however, be asked to sit as a judge of the qualifications of his successor.

After consultation and a number of remarks by different attorneys, the certificates were withdrawn by both parties and the judge then held that he had no judicial knowledge of the qualification of his successor, and the trial of Vennedy, accused of embezzling from the Pacific Express company, proceeded. The mandamus case, by agreement, remains in statu quo. The trial of Vennedy will be completed to-morrow and it is stated that Judge DeWolfe will hear no further business.

Cannons are being fired and the town is painted red in honor of admission.

## Present Your Claims.

WASHINGTON, Nov. 9.—The following is furnished by the department of state: "The commission known as the United States and Venezuela claims commission is now in session at Washington to adjudicate the claims of citizens of the United States against Venezuela, presented to the former or its legation at Caracas before August 1, 1885, and to determine under the circumstances the rights of the parties in the certificates of award issued by a former similar commission." Persons concerned will do well to give immediate attention to their interests, as the commission will expire in less than a year.

## Gobbled by the Standard.

PITTSBURGH, Nov. 8.—An evening paper reports the sale of the Globe oil refinery of this city, the Freedom refinery of Freedom, Pa., the Craig Pipe line and the Washington field, to the Standard Oil company. The refineries were the largest independent refineries in the country. The deal is said to involve several millions of dollars.

## Ordered to Fort Keogh.

WASHINGTON, Nov. 8.—[Special].—First Lieutenant Euclid B. Frick, assistant surgeon, has been ordered from Philadelphia to Fort Keogh, Mont., and to report in person to the commanding officer for duty at that station and by letter to the commanding general of the department of Dakota.

## Only One Saved.

YAKIMA CITY, ORE., Nov. 8.—Yesterday a family named Parker, consisting of the parents and seven children and another man, named Waggoner, attempted to cross in a small boat from Newport to South Beach. When about midway the craft was swamped. All were drowned except Parker, who was subsequently picked up by a passing steamer.

## THE CHEEK

of Some People is Appalling.

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We are Selling the Same Kind of Ladies' Cloth as that advertised Elsewhere as "French Broadcloth" for \$1.25 per yard. WE NEVER HAD THE NERVE TO ASK MORE THAN \$1.00 FOR THE SAME GOODS, and are selling a Very Nice quality of the Same Kind of Goods for 75c. Per Yard.

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We wish to call your Special Attention to our Black Dress Goods Department this week, where we will offer some Rare Bargains to Buyers of such Goods.

Citizens and Strangers are Cordially Invited to Examine our Goods, Compare Prices, and find out from Actual Experience that the Best Dry Goods in Helena are sold for the Least Money by

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The Jarvis-Conklin Mortgage Trust Company stands a leader among the financial institutions of this country. It can, perhaps, command as much money in the great centers of Europe as the largest banking houses of New York. The branch house located in this city, under the charge of Messrs. H. M. Jarvis and P. J. Conklin, has control of a very large and important business. Mr. P. J. Conklin is continually on the road, investigating personally the loans made by their various agencies throughout Montana and Idaho, establishing new agencies and looking carefully after the interests of their customers.

With an abundance of capital constantly on hand, they are prepared to offer money in amounts and on terms that defy competition. There is no sending off to distant states to see if loans can be accepted, and no delays of any kind after the title is once decided perfect by their local attorneys. Their heavy resources enable them to accommodate all classes of borrowers, and all they ask is the security to place any amount of money that may be needed

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